

BEFORE THE
SURFACE TRANSPORTATION BOARD

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Part of

FINANCE DOCKET NO. 35724

CALIFORNIA HIGH-SPEED RAIL AUTHORITY Public Record
— CONSTRUCTION EXEMPTION —
IN MERCED, MADERA AND FRESNO COUNTIES, CALIFORNIA

RESPONSE OF
CALIFORNIA HIGH-SPEED RAIL AUTHORITY TO
REQUESTS FOR EXTENSION OF TIME TO REPLY

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Dated: April 11, 2013

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SURFACE TRANSPORTATION BOARD

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CALIFORNIA HIGH-SPEED RAIL AUTHORITY
— CONSTRUCTION EXEMPTION —
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RESPONSE OF
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REQUESTS FOR EXTENSION OF TIME TO REPLY

California High-Speed Rail Authority (“Authority”) hereby responds to the Requests of Kings County Water District (“KCWD”), the Community Coalition for High-Speed Rail (“CC-HSR”), the Citizens for California High Speed Rail Accountability (“CCHSRA”), and the Riverdale Public Utility District (“RPUD”) for Extension of Time (the “KCWD Request,” the “CC-HSR Request,” the “RPUD Request,” and the “CCHSRA Request”), filed with the Surface Transportation Board (the “Board”) on April 8, 9, and 10, 2013.¹

The Authority filed with the Board its Petition for Exemption (“Petition”) and its Motion to Dismiss that Petition (“Motion”) in this docket on March 27, 2013, for the construction by the Authority of a dedicated intrastate high-speed passenger rail line between Merced, CA and Fresno, CA (the “Project” or the “Merced to Fresno HST Section”). Absent specific direction from the Board, any reply or motion addressed to the Authority’s pleadings must be filed by April 16, 2013. 49 C.F.R. § 1104.13. KCWD, CC-HSR, and RPUD request that “its time to file its response . . . be extended for fifteen days and, provided that within that time it notifies the [Board] that it has initiated

¹ While filed separately, the KCWD Request, CC-HSR Request, and RPUD Request are substantially the same.

discovery requests to [the Authority], its time to respond be extended for an additional fifteen days from (a) its receipt of the requested discovery or (b) the denial of its timely motion to compel discovery, whichever occurs first.” KCWD Request at 4; CC-HSR Request at 3; RPUD Request at 4. CCHSRA requests that the Board “extend the open review period for another 30 calendar days . . . [which] would allow CCHSRA and the public to respond and file documents until May 15, 2013.” CCHSRA Request at 1.

None of the requesting parties have served any discovery requests on the Authority. KCWD, CC-HSR, and RPUD each “anticipates it will work with other protestants” to seek discovery of “thousands of pages of documents” including “various versions of [the Authority’s] Business Plan, transcripts of testimony of its officials in legislative hearings, [the Authority’s] cooperative funding agreements with the Federal Railroad Administration, [the Authority’s] funding Plan, resolutions of its Board of Directors, [the Authority’s] response to comments in EIR/EIS proceedings, staff reports to [the Authority’s] Board of Directors, etc.” KCWD Request at 4-5; CC-HSR Request at 3-4; RPUD Request at 4-5. The purpose of this anticipated discovery is to demonstrate that the Merced to Fresno HST Section is “part of the interstate rail network” within the meaning of 49 U.S.C. § 10501(a)(2)(A). *Id.*

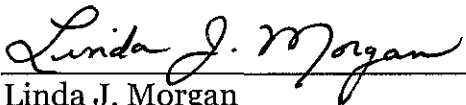
CCHSRA requests a thirty day extension because “the amount of information being considered for submission is voluminous [sic] and detailed,” CCHSRA Request at 1. Further, CCHSRA argues that the project “deserves more than 20 days to review and provide comments” because this “project represents the largest infrastructure project within the nation.” *Id.* at 1-2.

The Authority would have no objection to a fifteen day extension of the response filing deadline from April 16, 2013, to May 1, 2013. However, no purpose would be

served by the discovery contemplated by KCWD, CC-HSR, and RPUD, because the record contains more than sufficient information for the Board to make a jurisdictional determination with respect to the Merced to Fresno HST Section, and information KCWD, CC-HSR, and RPUD say they might seek is in the public domain and available to them. Further, the discovery described by KCWD, CC-HSR, and RPUD largely relates to the entire California HST System, while only the Merced to Fresno HST Section of that HST System is before the Board at this time.

An extension to May 1, 2013, would give the requesting parties more than enough time to prepare their submissions and all the information they might want to include is available to them without discovery. To the extent that any additional requests for extension are filed, the Authority would similarly not object to an extension of the response filing deadline to May 1. However, should any subsequent filings request longer extensions, the Authority would object to such requests.

Respectfully submitted,

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Dated: April 11, 2013

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2013, I served the foregoing RESPONSE OF CALIFORNIA HIGH-SPEED RAIL AUTHORITY TO REQUESTS FOR EXTENSION OF TIME TO REPLY upon the following parties of record in this proceeding:

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